

**Federal Defenders
OF NEW YORK, INC.**

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December 1, 2021

Via ECF (redacted) and email (unredacted)

The Honorable J. Paul Oetken
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Capser*, 19 CR 337 (JPO)

Dear Judge Oetken:

I write to respectfully request that Mr. Capser's sentencing hearing, currently scheduled for December 8, 2021, proceed remotely by video or telephone. Mr. Capser lives in Billings, MT, and recently underwent a series of [REDACTED]. Mr. Capser also suffers from [REDACTED] and [REDACTED]. These conditions put him at greater risk of complications arising from COVID-19 and the emerging variants. A letter from Mr. Capser's neurologist, Dr. Arturo Echeverri at St. Vincent Healthcare's Regional Neuroscience Center is attached to this letter as Exhibit A. Dr. Echeverri strongly urges that Mr. Capser not travel due to his ongoing medical treatment.

A remote proceeding would allow Mr. Capser to avoid the increased risks associated with travel by participating from the safety of his home.

Thank you for your consideration of this request.

Respectfully submitted,



Tamara L. Giwa
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Cc: AUSA David Robles (via ECF)
AUSA Benjamin Schrier (via ECF)